

# MEMORANDUM

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Agenda Item No. 3(L)

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**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners


**DATE:** March 12, 2013

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance amending Section  
2-8.2.11 of the Code relating to  
contract authority for specific  
water and sewer projects

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The accompanying ordinance was prepared by the Water and Sewer Department and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.

  
\_\_\_\_\_  
R. A. Cuevas, Jr.  
County Attorney

RAC/smm

# Memorandum



**Date:** December 4, 2012

**To:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**From:** Carlos A. Giménez  
County Mayor

**Subject:** Ordinance amending Section 2-8.2.11 of the Code of Miami-Dade County for the Miami-Dade Water and Sewer Department relating to contract authority for specific water and sewer projects and providing for acceleration of projects approved through the Miami-Dade Water and Sewer Department's Multi-Year Capital Plan

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## **RECOMMENDATION**

It is recommended that the Board of County Commissioners (Board) amend Section 2-8.2.11 of the Code of Miami-Dade County relating to contract authority for projects approved as part of the Miami-Dade Water and Sewer Department's (WASD) adopted Multi-Year Capital Plan. The amendment will authorize the Mayor or Mayor's designee to bring certain contract-related actions for ratification to the Board without the need for committee review. Additionally, the amendment increases the amount that the Mayor can approve in the form of a change order from \$500,000 to \$1,000,000, which will be approved by the Board through ratification.

## **SCOPE OF AGENDA ITEM**

This agenda item has a countywide impact as the water and sewer facilities to be repaired and rehabilitated are located throughout the County.

## **FISCAL IMPACT/FUNDING SOURCE**

The amendment which provides for the acceleration of various WASD projects will not have a fiscal impact to the County; however, it will expedite projects required to repair and rehabilitate the County's water and sewer system. These projects are estimated to cost approximately \$3,990,171,000 in water projects and \$6,921,915,000 in sewer projects, totaling \$10,912,086,000. They will be funded through a combination of funding sources including the Water and Wastewater Connection Charge Funds, the Water and Wastewater Renewal and Replacement Funds, Future Revenue Bonds, and Revenue Bonds sold.

## **TRACK RECORD/MONITOR**

WASD's Deputy Director for Capital Improvements and Regulatory Compliance will track and monitor these projects.

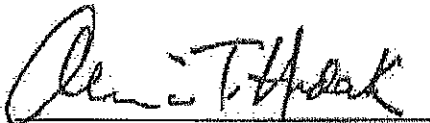
## **BACKGROUND**

On July 24, 2007, the Board adopted Ordinance 07-108, which authorizes the Mayor or Mayor's designee to advertise and recommend for award without committee review, design and construction contracts related to the County's 20-Year Water Use Permit and High Level Disinfection Facility. These contracts are currently exempt from the customary committee review requirement which accelerates the Board's approval process by approximately six weeks. In addition, the Mayor or Mayor's designee is currently authorized to execute change orders or amendments related to these contracts that do not exceed \$500,000 or 15 percent of the contract price in cumulative percentage amount.

The amendment to Ordinance 07-108 expands the list of WASD's projects to be accelerated as shown in Exhibits C and D, as attached to this memorandum. The water and sewer projects identified on both exhibits are in WASD's adopted Multi-Year Capital Plan including the most critical water and sewer projects already discussed in the Water & Sewer Infrastructure Report published in July 2012, and the wastewater projects currently being discussed with the Environmental Protection Agency from which the County expects a new consent decree that will focus on infrastructure upgrades. The amendment will also allow additions or deletions from the list of projects approved for acceleration to be made through subsequent resolutions sent directly to the Board without the need for prior committee approval. Furthermore, the amendment increases the Mayor or Mayor's designee authority to execute change orders or amendments related to these contracts from \$500,000 to \$1,000,000, and not to exceed 15 percent of the contract price in cumulative percentage amount.

All of these projects are necessary to continue to provide environmentally safe water services and sewage disposal services to residents. Without these repairs and rehabilitation projects, the water and sewer system will continue to experience failures as it has in the past several years. If this amendment is approved by the Board, the Mayor or Mayor's designee will have the authority to bypass the committee review requirement, thereby expediting the approval process and the project commencement date for the design and construction projects listed in Exhibits C and D. Moreover, the Mayor or Mayor's designee's authority to execute change orders or amendments related to these projects will increase from \$500,000 to \$1,000,000.

All actions executed by the Mayor or Mayor's designee pursuant to Sections 2-8.2.11 (b) of the Miami-Dade County Code shall be submitted to the next available Board meeting for ratification.



Alina T. Hudak  
County Manager/Deputy Mayor




# MEMORANDUM

(Revised)

**TO:** Honorable Chairwoman Rebeca Sosa  
and Members, Board of County Commissioners

**DATE:**

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No.

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☐ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_ ) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(I)  
12-4-12

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING SECTION 2-8.2.11 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA RELATING TO CONTRACT AUTHORITY FOR SPECIFIC WATER AND SEWER PROJECTS; PROVIDING FOR ACCELERATION OF PROJECTS APPROVED THROUGH THE WATER AND SEWER DEPARTMENT'S MULTI-YEAR CAPITAL PLAN; INCREASING AMOUNT OF CHANGE ORDERS THAT MAYOR OR MAYOR'S DESIGNEE CAN PROCESS FROM \$500,000 TO \$1,000,000; WAIVING COMMITTEE REVIEW FOR VARIOUS ACTIONS OF THE MAYOR OR MAYOR'S DESIGNEE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

**Section 1.** Section 2-8.2.11 of the Code of Miami-Dade County, Florida, is hereby amended to read as follows<sup>1</sup>

Section 2-8.2.11 Water and Sewer Department Contracting Authority

(1) Intent

This ordinance grants the Mayor or Mayor's designee authority to accelerate the processing and procurement of contracts and agreements related to design and construction of the improvements on Exhibits A and B attached to the ordinance from which this Section derives >>, and going forward, for all water and sewer projects that have been approved as part of the Miami-Dade Water and Sewer Department's adopted Multi-Year Capital Plan ("Water and Sewer Acceleration Projects")<<. ~~[[Copies of Exhibits A and B are attached in their entirety and incorporated herein by reference.]]~~ >>The Board of County Commissioners may from time to time, by subsequent resolution, add or delete projects from the list of Water and Sewer Acceleration Projects

<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

to which this Section applies. Such resolution to add or delete projects from the list of Water and Sewer Acceleration Projects shall be heard by the Board of County Commissioners without the need for prior approval of any committee. <<

(2) Authority of the County Mayor with Respect to Specified Projects

Notwithstanding any other provision of the Code of Miami-Dade County to the contrary, the Mayor or Mayor's designee shall have the authority to take the following actions with respect to the projects specified in Section 2-8.2.11(1), and for which the appropriate contract measures as provided in Sections ~~[[10-33.02(3)(b)(6)]]~~ >>10-33.02(3)(B)(6)<< and ~~[[10-33.02(3)(b)(7)(e)]]~~ >>10-33.02(3)(B)(8)(c)<< have been applied:

\* \* \*

- (b) The Mayor or Mayor's designee shall be entitled to exercise all provisions of all contracts awarded pursuant to this ordinance. The County Mayor or Mayor's designee may, if specified in the bid specifications and contract document, negotiate and settle contractor claims, waive liquidated damages, extend contract time, and issue change orders for additional work under contracts and amendments for professional services agreements; as to any specific contract or agreement, change orders or amendments thereto shall not exceed ~~[[\\$500,000]]~~ >>\$1,000,000<< in cumulative dollar amount and shall not exceed 15 percent of the contract price in cumulative percentage amount;

\* \* \*

- (c) All actions executed by the Mayor or Mayor's designee pursuant to subsections 2-8.2.11~~[[a) and]]~~ (b) shall be ~~[[submitted to the next meeting of the Governmental Operations and Environment Committee and shall be waived to]]~~ >>placed on<< the agenda of the next scheduled Board of County Commissioners meeting for ratification >>without the need for prior approval of any committee<<. However, no ratification is required of an action executed by the Mayor or Mayor's designee which involves waiving liquidated damages as a result of rescheduling contract activities or internal milestones provided neither the total contract time inclusive of time allowances nor the total contract amount inclusive of contingency allowances is exceeded. Any such action shall be included in a report submitted to the Board of County Commissioners on a quarterly basis.

(3) Authority to Award

The Mayor or Mayor's designee shall not have the authority to award contracts pursuant to this section, and all awards of such contracts shall be made by the Board of County Commissioners. Any contract recommended for award under this ~~[[Chapter]]~~ >>section<< shall be heard by the Board of County Commissioners without need for prior approval of any committee.

\* \* \*


**Section 2.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 3.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any Sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention and the word "ordinance" may be changed to "section", "article" or other appropriate word.

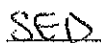
**Section 4.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency.



Prepared by:



Sarah E. Davis

MIAMI-DADE WATER AND SEWER DEPARTMENT  
 MULTI-YEAR CAPITAL PLAN FY12-18  
 SUMMARY OF WATER PROJECTS

EXHIBIT C

OMB NUMBER	DESCRIPTION
9650041	WATER TREATMENT PLANT - HIALEAH / PRESTON IMPROVEMENTS
9650031	WATER TREATMENT PLANT - ALEXANDER ORR, JR EXPANSION
9650051	WELLFIELD IMPROVEMENTS
9654031	NORTH MIAMI-DADE WATER TRANSMISSION MAINS IMPROVEMENTS
9654041	CENTRAL MIAMI-DADE WATER TRANSMISSION MAINS IMPROVEMENTS
9650021	SOUTH MIAMI-DADE WATER TRANSMISSION MAINS IMPROVEMENTS
9651051	WATER MAINS EXTENSION
9650271	WATER GENERAL MAINTENANCE AND OFFICE FACILITIES
9653311	WATER DISTRIBUTION SYSTEM EXTENSION ENHANCEMENTS
9653461	WATER SYSTEM FIRE HYDRANT INSTALLATION
9650141	WATER EQUIPMENT AND VEHICLES
111111	GENERAL OBLIGATION BOND (GOB)
9650161	WATER TREATMENT PLANTS REPLACEMENT AND RENOVATIONS
9650181	WATER SYSTEM MAINTENANCE AND UPGRADES
9652001	WATER ENGINEERING STUDIES
963110	AUTOMATION OF WATER TREATMENT PLANTS
9610960	WATER TREATMENT PLANTS MISCELLANEOUS UPGRADES
9654061	SAFE DRINKING WATER ACT MODIFICATIONS - SWT RULE AND D-DBP
9652821	SOUTH MIAMI HEIGHTS WATER TREATMENT PLANT AND WELLFIELD
9656780	WATER TELEMETERING SYSTEM ENHANCEMENTS
966620	WATER TREATMENT PLANT - FLORIDAN REVERSE OSMOSIS
965450	MIAMI SPRINGS CONSTRUCTION FUND - WATER
967190	WATER - PIPES AND INFRASTRUCTURE PROJECTS



MIAMI-DADE WATER AND SEWER DEPARTMENT  
 MULTI-YEAR CAPITAL PLAN FY12-18  
 SUMMARY OF WASTEWATER PROJECTS

EXHIBIT D

OMB NUMBER	DESCRIPTION
9653411	NORTH DISTRICT UPGRADES - WASTEWATER TREATMENT PLANT
9653421	CENTRAL DISTRICT UPGRADES - WASTEWATER TREATMENT PLANT
9655481	SOUTH DISTRICT WASTEWATER TREATMENT PLANT EXPANSION - PHASE 3
9653401	SOUTH DISTRICT UPGRADES - WASTEWATER TREATMENT PLANT
9652101	NORTH MIAMI-DADE WASTEWATER TRANSMISSION MAINS AND PUMP STATION IMPROVEMENTS
9650241	CENTRAL MIAMI-DADE WASTEWATER TRANSMISSION MAINS AND PUMP STATION IMPROVEMENTS
9651061	SOUTH DISTRICT WASTEWATER TRANSMISSION MAINS AND PUMP STATIONS IMPROVEMENTS
9650201	GRAVITY SEWER RENOVATIONS
9650221	SANITARY SEWER SYSTEM IMPROVEMENTS
9653201	WASTEWATER GENERAL MAINTENANCE AND OFFICE FACILITIES
9653381	CORROSION CONTROL FACILITIES IMPROVEMENTS
9651071	PUMP STATION IMPROVEMENTS PROGRAM
9653371	PEAK FLOW MANAGEMENT FACILITIES
9653281	SANITARY SEWER SYSTEM EXTENSION
9653241	WASTEWATER ENGINEERING STUDIES
9652002	PUMP STATION GENERATORS AND MISCELLANEOUS UPGRADES
9652481	WASTEWATER TELEMETERING SYSTEM
9650361	WASTEWATER SYSTEM MAINTENANCE AND UPGRADES
9650371	LIFT STATION UPGRADES AND STRUCTURAL MAINTENANCE IMPROVEMENTS
9650301	WASTEWATER EQUIPMENT AND VEHICLES
9653261	WASTEWATER TREATMENT PLANTS REPLACEMENT AND RENOVATION
9652003	WASTEWATER TREATMENT PLANT AUTOMATION ENHANCEMENTS
9652061	WASTEWATER TREATMENT PLANTS MISCELLANEOUS UPGRADES
965630	WASTEWATER TREATMENT PLANTS EFFLUENT REUSE
96510240	SOUTH DISTRICT WASTEWATER TREATMENT PLANT - HIGH LEVEL DISINFECTION
969110	MIAMI SPRINGS CONSTRUCTION FUND - WASTEWATER
962670	OUTFALL LEGISLATION SUMMARY DESCRIPTION
222222	GENERAL OBLIGATION BOND (GOB)
968750	WASTEWATER - PIPES AND INFRASTRUCTURE PROJECTS